

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEVEN GODBOTT,

Defendant-Appellant.

UNPUBLISHED

August 2, 2002

No. 231253

Wayne Circuit Court

LC No. 92-006812

Before: Murray, P.J., Sawyer and Zahra, JJ.

MEMORANDUM.

In 1993, defendant was convicted of two counts of possession with intent to deliver less than 50 grams of cocaine, MCL 333.7401(2)(a)(iv), and was sentenced to lifetime probation. In 2000, he pleaded guilty of violating probation and the trial court sentenced him to one to twenty years' imprisonment on both counts. Defendant now appeals his sentence as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant contends that he must be resentenced because the trial court did not give him an adequate opportunity for allocution. He admits that the trial court asked him whether he wished to address the court, but claims that the court's ensuing "hostile examination" deprived him of his right to address the court. This Court reviews the sentencing transcript de novo to determine if the defendant was denied his right of allocution. *Brandt v Brandt*, 250 Mich App 68, 75; 645 NW2d 327 (2002).

MCR 6.425(D)(2)(c) provides that the trial court at sentencing must "give the defendant, the defendant's lawyer, the prosecutor, and the victim an opportunity to advise the court of any circumstances they believe the court should consider in imposing sentence." Our Supreme Court has mandated strict compliance with this rule, and the trial court must provide the defendant with an opportunity to address the court before imposing sentence. *People v Petit*, __ Mich __; __ NW2d __ (Docket No. 119348, issued 7/17/02), slip op, 4; *People v Wells*, 238 Mich App 383, 392; 605 NW2d 374 (1999).

In this case, defendant was allowed to express his remorse, admit he made a mistake, and request that the court give him another chance. Although defendant contends that he was interrupted by the trial court and never afforded another opportunity to allocute, neither he nor his attorney indicated on the record that defendant had not finished saying what he had to say. In any event, a single interruption of a defendant's allocution, when he was otherwise allowed to

speak, does not deny his right of allocution. *People v Reeves*, 143 Mich App 105, 107; 371 NW2d 488 (1985). In the absence of any evidence that he intended to offer additional remarks on his own behalf and was denied the opportunity to do so, we conclude that defendant was not denied his right of allocution.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra